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MAY 18 2005

In re Application : **OFFICE OF PETITIONS**
Colborn, et al. :
Application No. 10/066,544 : PATENT TERM ADJUSTMENT
Filed: October 19, 2001 :
Dkt. No.: 04813.0028.NPUS00 :

This is a decision on the "PETITION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705," filed November 26, 2004. This request is being treated as an application for patent term adjustment under 37 CFR 1.704(b).

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is **GRANTED**.

The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance and Issue Fee Due reflects an adjustment of 434 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

Applicants request that the Determination of Patent Term Adjustment be corrected from 336 days as indicated on the Determination of Patent Term Adjustment mailed November 2, 2004 to 434 days.

A review of the application history reveals that an adjustment under 37 CFR 1.702(a)(1) of 469 days can be attributed to the Office. In accordance with 37 CFR 1.703(a)(1), the adjustment began December 20, 2002, the day after the date that is 14 months after the date on which the application was filed, and ended April 1, 2004, the date of mailing of non-final Office action.

The Office errantly entered September 24, 2002 as the date of reply to the Notice to File Missing Parts of Nonprovisional Application was filed. The Notice was mailed March 18, 2002 and a response was timely submitted on April 15, 2002.

However, in accordance with 37 CFR 1.704(b), the adjustment of 469 days is properly reduced 35 days for applicants' failure to engage in reasonable efforts to conclude prosecution. The reduction began July 2, 2004, the day after the date that is three months after the date the non-final Office action was mailed, and ended August 5, 2004, the date a response to the Office action was filed.

In view thereof, at the time of Notice of Allowance the application is entitled to a patent term adjustment of 434 days as argued by applicants.

The Office acknowledges receipt of the required application fee of \$200.00.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Karin Ferriter
for

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation